

**DURHAM, NORTH CAROLINA  
MONDAY, AUGUST 16, 2010  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the pledge of allegiance led by Council Member Clement.

Mayor Bell read a proclamation honoring Charles Quick for winning the Gold medal at the Special Olympics USA National Games. Mr. Quick thanked the Mayor for this special recognition.

Evelyn Scott acknowledged the students who would be serving on the 2010-2011 Durham Youth Commission.

Kim Moss announced that the new Teen Center will be opening on August 25, 2010.

Mayor Pro Tempore Cole-McFadden acknowledged DeWarren Langley--the person responsible for bringing the Youth Commission idea to Council.

City Clerk Gray swore in following members of the Durham Youth Commission: Tevin Armstrong, Russell Barringer IV, Moneka Bullock, William Cagle, Alexander Catotti, Danielle Criss, Dominique Cross, Kayla A. Daniels, Kayla N. Daniels, Tatiana DeBerry, Lee Eaton, Amber Flowers, Jasmine Foust, Davida Guthrie, Kimberly Guthrie, Jakayla Hart, Isaiah Higgs, Courtney Hodges, TaQuinn Huff, Modupeh Jahamaliah, Edward Kaspar, Alexis Leathers, Kellie LeVine, Rachel McGirt, Troy Miller, Fredrick Mouling, Loretta Mouling, Derek Rhodes, Jana Roberts, Shacora Rorie, Brittany Salaam, Laura Seidel, Mikalah Shaw and Portia Taylor.

Mayor Pro Tempore Cole-McFadden recognized the parents and a former member of the Youth Commission.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Bonfield reported a correction to the agenda for Agenda Item #13. He reported that this is the 2nd quarter Crime Report and not the 1st quarter. Regarding Agenda Item #14 [Public Hearing - Ordering Improvements on Thompson Road, East Geer Street and Hardwick Drive], he requested that the Thompson Road improvement be referred back to the administration.

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**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to accept the City Manager's priority items was approved at 7:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

There were no priority items from the City Attorney and City Clerk.

City Manager Bonfield announced that Durham government television [DTV8] is celebrating its 100th episode of *City Hall This Week*.

City Manager Bonfield recognized Public Affairs Director Beverly Thompson who recognized her staff and gave a video presentation commemorating the 100th episode of this news program which began January 2006.

Deputy City Manager Ted Voorhees recognized lifeguards Philip Hoover, Therell Spires, Matthew Paolantonio and Felicia Maye for their heroism and action in saving a 9-year-old female camper from the Holton Career and Resource Center who suffered a seizure in the Long Meadow swimming pool.

Council Member Clement congratulated City Manager Bonfield, Transportation Director Mark Ahrendsen, staff and other agencies involved with the Bull City Connector initiative. He made comments regarding a series of articles in the newspaper concerning the Durham Public Schools and asked that there be discussion at the August 19, 2010 City Council Work Session regarding what the Council could do to assist the schools.

Mayor Bell noted crime and the school system performance are two issues that keep this city from being the great city that it can be. He made comments on an article in the *News and Observer* regarding the outcomes of various school systems in North Carolina. He discussed the parameters utilized in the study that dealt with the achievement expectations, percentage of students at grade level and percentage of students on free and reduced lunch. He also discussed the correlation between students receiving free and reduced lunch and their achievement expectations.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from Consent Agenda.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to approve the Consent Agenda was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: MORTGAGE LOAN PORTFOLIO QUARTERLY REPORT, FOURTH QUARTER FY 2010**

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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive the fourth quarterly report on the Community Development Loan Portfolio was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO CONTRACT FOR DURHAM POLICE  
DEPARTMENT MASTER FACILITY PROGRAM - CARTER GOBLE  
ASSOCIATES, INC.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute a contract amendment with Carter Goble Associates, Inc. for the Durham Police Department Master Facility Program in an amount not to exceed \$100,175.00 so that the total contract amount will not exceed \$149,977.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: REVISION TO THE CITY'S COMPENSATION AND CLASSIFICATION  
SYSTEM**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to revise and amend the City of Durham's Comprehensive Compensation and Classification System effective August 16, 2010 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)  
CONTRACT ST-247, 2010 STREET IMPROVEMENTS (U-5151) -  
ASPHALT EXPERTS, INCORPORATED**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute a contract extension with Asphalt Experts, Incorporated for ST-247, 2010 Street Improvements in the amount of \$35,000.00 for a total \$115,000.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: SECTION 319 NON POINT SOURCE POLLUTION CONTROL GRANT  
PROJECT ORDINANCE - NCDENR**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to accept the City of Durham FY2010-11 Section 319 Non Point-Source Pollution Control Grant by executing the grant documents; and

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To adopt the City of Durham FY2010-11 Section 319 Non Point-Source Pollution Control Grant Project Ordinance in the amount of \$133,938.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #14049**

**SUBJECT: EMC UNIFIED STORAGE LEASE AGREEMENT - DIMENSION DATA**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute a 59 month lease agreement with Dimension Data for an EMC Unified Storage Platform in the amount of \$82,548.36 annually for 59 months , for a total of \$412,741.80; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: ANNUAL SUPPORT AND LICENSE AGREEMENT FOR MUNIS SOFTWARE - TYLER TECHNOLOGIES, INC.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute the Annual Support Agreement and License Agreement with Tyler Technologies, Inc. for the use and support of the MUNIS ERP software for a period of one year at a cost of \$276,971.50; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) MUNICIPAL AGREEMENT AND UTILITY AGREEMENT FOR SOUTH MIAMI BOULEVARD ROAD WIDENING PROJECT (U-4011)**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute a Municipal Agreement with the NCDOT for the South Miami Boulevard widening project (U-4011) to accept sidewalk construction costs and ongoing maintenance;

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To authorize the expenditure of an estimated \$56,924.00 from the City's Federal and State Match Projects Account for the sidewalk reimbursement cost;

To authorize the City Manager to execute a Utility Agreement with the NCDOT for Project U-4011 for the relocation of water lines within the South Miami Boulevard widening project;

To authorize the expenditure of \$207,615.00 from the Water Lines Extensions and Improvements Account; and

To authorize an additional contingency amount of \$41,523.00 for the water utility relocation cost was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: ENGINEERING CONTRACT FOR WATER RECLAMATION  
FACILITIES MASTER PLANS PROJECT - HAZEN AND SAWYER, P.C.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute a contract with Hazen and Sawyer, P.C. for engineering services for the Water Reclamation Facilities Master Plans Project in the total amount not to exceed \$2,341,081.00;

To authorize establishment of a contingency fund for the contract of \$116,919.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders does not exceed \$116,919.00 and the total project cost does not exceed \$2,458,000.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

*The City Council disposed of the following agenda items at the August 5, 2010 Work Session:*

**2. Convention Center Phase II Project: Amendment No. 2J to the Skanska USA  
Building Construction Manager at Risk (CMAR) Contract**

To authorize the City Manager to execute Amendment No. 2J to the CMAR contract with Skanska USA Building for procurement of HVAC chiller equipment, in an amount not to exceed \$386,364.00;

To establish a project contingency in the amount of \$38,636.00; and

To authorize the City Manager to negotiate and execute change orders on the Amendment No. 2J to the CMAR contract with Skanska USA Building, provided the total project cost does not exceed the amount budgeted for construction phase services plus the project contingency.

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*(This item was approved at the 08-05-10 Work Session with a vote of 6/0)*

**5. License Agreement with Duke University for Installation of Fiber Optic Cable**

To authorize the City Manager to enter into a License Agreement with Duke University for installation and maintenance of fiber optic cable within the City's Right-of-Way.

*(This item was approved at the 08-05-10 Work Session with a vote of 6/0)*

**12. Comprehensive Housing Strategy for the City of Durham Presentation**

To receive a presentation on the Comprehensive Housing Strategy for the City of Durham.

*(A presentation was received at the 08-05-10 Work Session)*

**16. Alzheimer's Association – Eastern North Carolina**

To receive comments from Lisa Roberts regarding the Memory Walk Event at the Durham Bulls Athletic Park/Stadium.

*(Comments were received at the 08-05-10 Work Session)*

**17. Durham Environmental Affairs Board Recommendations on the NC Falls Lake Nutrient Strategy Rules**

To receive and accept the report from the Durham Environmental Affairs Board [EAB] on the N. C. Falls Lake Nutrient Strategy Rules with the understanding that EAB will transmit their recommendations to N. C. Division of Water Quality.

*(This item was approved at the 08-05-10 Work Session with a vote of 6/0)*

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: 2010 SECOND QUARTER SUMMARY CRIME REPORT**

To receive the Police Department's 2010 Second Quarter Summary Crime Report.

Police Chief Jose Lopez presented the 2010 Second Quarter Summary Crime Report. He stated this presentation would cover the department's six performance measures [violent crime, property crime, part I index crime, clearance rates, response time for priority calls I, priority I

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calls and staffing levels]. He stated the executive summary includes information pertaining to significant arrests and other accomplishments by the police department. He presented the following power point presentation highlighting:

- ✖ Homicide, rape, robbery and aggravated assault
- ✖ Violent crime up 4 percent from January – June 2009
- ✖ Robberies down compared to 2009
  
- ✖ Burglary, larceny and motor vehicle theft
- ✖ Property crime up 7 percent compared to January-June 2009
- ✖ Part 1 index crime – total of property and violent crime
- ✖ Part 1 index crime up 6 percent compared to January-June 2009

Crime Category	YTD 2010	DPD 2009	FBI 2008
Homicide	78%	47.6%	64.6%
Rape	46%	62.6%	38.8%
Robbery	31%	35%	26.2%
Aggravated Assault	59%	59.2%	53%
Violent Crime	47%	48.4%	42.5%
Burglary	19%	22.4%	11.3%
Larceny	27%	28.6%	17.8%
Vehicle Theft	13%	18.7%	9.4%

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Property Crime

24%

28.7%

16.8%

- ✘ 6,496 Priority 1 calls from July 1, 2009 through June 30, 2010
- ✘ 6:06 average response time – MET GOAL
- ✘ 53.3% under 5 minutes – MET GOAL
  
- ✘ Sworn Staffing – 96% (475/496)
- ✘ Civilian Staffing – 94% (113/120)
- ✘ Violent gun crime down 57 percent in Bull’s Eye
- ✘ “Shots fired” calls down 50 percent in Bull’s Eye and 1000-foot buffer area
- ✘ Drug calls down 38 percent in Bull’s Eye
  - Bull’s Eye – Violent Gun Crime [Before and After]
  - Bull’s Eye – Violent Gun Crimes
  - National Night Out 2010
  - Durham Ten-Year Crime Rate Trend
  - Back to School Festival
  - PAL initiative

Council Member Woodard asked the Police Chief is there data to support concerns expressed from the public that crime that may have been occurring in the BULL'S Eye area has been disbursed to other neighborhoods close by.

Police Chief Lopez reported he would check with the crime analysis unit to determine if they have data, but stated so far that has not been the case.

#### **[PUBLIC HEARINGS]**

**SUBJECT: PUBLIC HEARING TO CONSIDER ORDERING IMPROVEMENTS ON THOMPSON ROAD, EAST GEER STREET AND HARDWICK DRIVE**

To conduct a public hearing to receive public comments; and

To adopt a resolution ordering the following improvements:

Sewer Main and Sewer Outfall on Thompson Road from the West Property Line of PIN 0833-12-85-3549 to the South Property Line of PIN 0843-03-04-5606;

Sewer Main on East Geer Street from the West Property Line of PIN 0853-03-10-2908 to Bullock Road;



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Sidewalk on Hardwick Drive (North Side) from the West Property Line of PIN 0728-03-24-3003 to Wellingham Drive.

Mayor Bell noted City Manager Bonfield requested that the Sewer Main and Sewer Outfall on Thompson Road be referred back to the administration.

Ed Venable, Manager of Engineering and Stormwater for Public Works, reported valid petitions were received for all improvements listed for this item. Recently, he stated the Thompson Road petition for Sewer is no longer sufficient due to several property owners removing their names from the petition. He stated staff is recommending that the Thompson Road sewer main and outfall petition be deemed null and void, and the project not be ordered and the two remaining petitions should go forward. Mr. Venable also stated staff recommends that City Council adopt a resolution ordering East Geer Street Sewer and Hardwick Drive Sidewalk improvements, and not adopt a resolution to order Thompson Road Sewer improvements, and refer the Thompson Road Sewer project back to staff.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a resolution ordering the following improvements was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Sewer Main on East Geer Street from the West Property Line of PIN 0853-03-10-2908 to Bullock Road;

Sidewalk on Hardwick Drive (North Side) from the West Property Line of PIN 0728-03-24-3003 to Wellingham Drive.

**SUBJECT: TEXT AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) – BICYCLE PARKING REQUIREMENTS AND ALTERNATIVE PEDESTRIAN PLANS (TC1000001)**

To receive public comments on the Unified Development Ordinance (UDO) Text Change – Bicycle Parking Requirements and Alternative Pedestrian Plans (TC1000001); and

To adopt an Ordinance Amending the Unified Development Ordinance, incorporating revisions to Article 3, Application and Permits; Article 6, District Intensity Standards; Article 8, Environmental Protection; Article 10, Off-Street Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions.

City/County Planning Director Steve Medlin certified that proper notification has been carried out in accordance with the General Statutes and Unified Development Ordinance provisions and affidavits have been completed and are part of the case file for review. He briefed Council

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on the text amendment that would address a series of recommendations that were submitted by the Bicycle and Pedestrian Advisory Commission to the Planning Department. He referenced the various sections of the Unified Development Ordinance that would be affected by this amendment. He reported the text amendment would establish bicycle parking standards for specific uses, clarifying and strengthening standards for the design of bicycle parking areas, clarify sections of the UDO and to establish a validity period for alternative pedestrian plans. Mr. Medlin stated staff is recommending approval of this request, the Planning Commission recommended approval on May 12<sup>th</sup> and the Durham County Board of Commissioners adopted the text amendment on August 9, 2010.

Mayor Bell opened the public hearing.

Dan Clever, representing the Durham Bicycle and Pedestrian Advisory Commission, thanked staff for their support during this process and stated this text amendment would be a step forward in improving biking and walking in Durham.

Mayor Bell closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive public comments on the Unified Development Ordinance (UDO) Text Change – Bicycle Parking Requirements and Alternative Pedestrian Plans (TC1000001); and

To adopt an Ordinance Amending the Unified Development Ordinance, incorporating revisions to Article 3, Application and Permits; Article 6, District Intensity Standards; Article 8, Environmental Protection; Article 10, Off-Street Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #14050**

There being no further business to come before the City Council, the meeting was adjourned at 7:58 p.m.

Linda E. Bratcher, CMC  
Deputy City Clerk

D. Ann Gray, MMC  
City Clerk